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THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

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Applicant:	SYSTEC POS-TECHNOLOGY GMBH	Date of Notification: Date: <u>21</u> Month: <u>03</u> Year: <u>2008</u>
Attorney:	ZHANG ZHAODONG	
Application No.:	200480034027.7	
Title of the Invention:	TRANSPORT CAR WITH ANTI-THEFT PROTECTION	

Notification of the First Office Action
(PCT Application in the National Phase)

1. ☒ The SIPO conducts substantive examination on the application upon request of the applicant according to the provision of Article 35 paragraph 1 of the Patent Law.
- ☐ The SIPO has decided to examine the application on its own initiative under Article 35 paragraph 2 of the Patent Law.
2. ☒ The applicant claimed priority/priorities based on the application(s):
 filed in DE on Sep 22, 2003, filed in _____ on _____,
 filed in _____ on _____, filed in _____ on _____,
 filed in _____ on _____, filed in _____ on _____.
3. ☐ The applicant submitted amendments to the application on _____ and on _____, wherein the amended _____ submitted on _____ and the amended _____ submitted on _____ are not acceptable, because said amendments do not comply with Rule 51 paragraph 1 of the Implementing Regulations of the Patent Law.
- ☐ _____
4. ☒ Examination was directed to the Chinese translation of the International Application as originally filed.
- ☐ Examination was directed to the application documents as specified below:
- ☐ Description ☐ Pages _____ of the Chinese translation of the International Application as originally filed.
- ☐ Pages _____ of the Chinese translation of the amendments annexed to the IPEA Report.
- ☐ Pages _____ of the amendments made under Article 28 or Article 41 of PCT.
- ☐ Pages _____ of the amendments made under Rule 51 paragraph 1 of the Implementing Regulations of the Patent Law.
- ☐ Claims ☐ Pages _____ of the amendments submitted on _____.
- ☐ The Chinese translation of claims _____ of the International Application as originally filed.
- ☐ The Chinese translation of claims _____ of the amendments made under Article 19 of PCT.
- ☐ The Chinese translation of claims _____ of the amendments annexed to the IPEA Report.
- ☐ The Chinese translation of claims _____ of the amendments made under Article 28 or Article 41 of PCT.
- ☐ The amendments of the claims _____ made under Rule 51 paragraph 1 of the Implementing Regulations of the Patent Law.
- ☐ The amendments of the claims _____ submitted on _____.
- ☐ Drawings ☐ Pages _____ of the Chinese translation of the International Application as originally filed.
- ☐ Pages _____ of the Chinese translation of the amendments annexed to the IPEA Report.
- ☐ Pages _____ of the amendments made under Article 28 or Article 41 of PCT.
- ☐ Pages _____ of the amendments made under Rule 51 paragraph 1 of the Implementing Regulations of the Patent Law.
- ☐ Pages _____ of the amendments submitted on _____.
- ☐ Abstract filed on _____. ☐ The drawing accompanying the abstract filed on _____.
☐ _____
- ☒ Below is/are the reference(s) cited in this Office Action (the reference number(s) will be used throughout the examination procedure):

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or filing date of the conflicting application)
1	US6102414	Day: <u>15</u> Month: <u>08</u> Year: <u>2000</u>
2	GB2327916A	Day: <u>10</u> Month: <u>02</u> Year: <u>1999</u>

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3	Day: Month: Year:
4	Day: Month: Year:

5. Conclusions of the Action:

- ☒ On the Description:
- ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
 - ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
 - ☐ The description does not comply with Article 33 of the Patent Law.
 - ☒ The draft of the description does not comply with Rule 18 of the Implementing Regulations.
- ☐
- ☒ On the Claims:
- ☐ Claim(s) _____ does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
 - ☒ Claim(s) 1, 2, 3 does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
 - ☐ Claim(s) _____ does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
 - ☐ Claim(s) _____ is/are not patentable under Article 25 of the Patent Law.
 - ☐ Claim(s) _____ does/do not comply with Article 26 paragraph 4 of the Patent Law.
 - ☐ Claim(s) _____ does/do not comply with Article 31 paragraph 1 of the Patent Law.
 - ☐ Claim(s) _____ does/do not comply with Article 33 of the Patent Law.
 - ☐ Claim(s) _____ does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
 - ☐ Claim(s) _____ does/do not comply with the provisions of Rule 13 paragraph 1 of the Implementing Regulations.
 - ☒ Claim(s) 4 does/do not comply with the provisions of Rule 20 of the Implementing Regulations.
 - ☐ Claim(s) _____ does/do not comply with the provisions of Rule 21 of the Implementing Regulations.
 - ☐ Claim(s) _____ does/do not comply with the provisions of Rule 22 of the Implementing Regulations.
 - ☒ Claim(s) 4 does/do not comply with the provisions of Rule 23 of the Implementing Regulations.
 - ☐
 - ☐ The divisional application does/do not comply with Rule 43 paragraph 1 of the Implementing Regulations.

Please refer to the text portion of the Office Action for details.

6. In view of the conclusions set forth above, the Examiner is of the opinion that:

- ☐ The applicant should make amendments as directed in the text portion of the Notification.
- ☒ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.
- ☐ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.

7. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 4 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
 - (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law and Rule 51 of the Implementing Regulations. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
 - (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
 - (4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.
8. This Notification contains a text portion of 2 pages and the following attachments:
- ☒ 2 cited reference(s), totaling 27 pages.

☐ _____

Examination Dept. 9 Examiner: 932H

Seal of the Examination Department

TEXT PORTION OF THE FIRST OFFICE ACTION

Application Number: 2004800340277

The application relates to a transport car with anti-theft protection. After examination, the detailed opinions are provided as follows:

1. Claim 1 defines a transport car with rollers. Reference D1 (US6102414, refer to lines 15-24 of column 1, lines 40-47 of column 2, lines 47-56 of column 4; and Figs. 2-8) also discloses a shopping cart with wheels (equivalent to the transport car with rollers in the application), wherein one turn wheel 26 of the two turn wheels at the front axis can be fixed in a predetermined steering position (equivalent to the two rollers fixable in a predetermined steering position in the application), and such arrangement enables the shopping cart to move only around a fixed center of a circle so as to function as an anti-theft protection.

Claim 1 is different from reference D1 in: (1) all of rollers in the transport car in Claim 1 can be steered, but in reference D1 only the front wheels can be steered; (2) in Claim 1 two or more of the rollers are fixable in a predetermined steering position, while reference D1 discloses that only one front wheel can be fixed in a predetermined steering position. Based on the above distinctive features, it can be determined that, with respect to reference D1, Claim 1 actually aims to solve the technical problem of increasing the agility of operation of the rear rollers and providing anti-theft protection even in a situation when the roller that can fix a steering position is worn out.

As to the distinctive feature (1), it is a common technical means for those skilled in the art to design the rear rollers to be steerable in order to increase the agility of operation of the rear rollers; as to the distinctive feature (2), reference D2 (GB2327916A, refer to lines 29-30 on page 2; and Fig. 4a) also discloses a shopping trolley which can fix the steering position of the wheels, locking the steering position of a pair of wheels at left side or right side (equivalent to fixing a steering position of two rollers in the present application). Said distinctive feature (2) has been disclosed by reference D2, and the feature has the same function in reference D2 as in the present invention to solve the technical problem, i.e., to provide anti-theft protection even in a situation when the roller that can fix a steering position is worn out. It is obvious for those skilled in the art to obtain the technical solution of Claim 1 on the basis of reference D1 combined with the common technical means and reference D2. Claim 1 does not have prominent substantive features, and does not involve inventive steps as required under Article 22, paragraph 3 of the Patent Law of China.

2. Claim 2 is a dependent claim subordinate to Claim 1, and it further defines that an angle at which the steering position of the rollers can be fixed is different in reference to a longitudinal axis of the transport car. However, reference D1 discloses that the

shopping cart can only move around a fixed center of a circle under the action of the locking means. Those skilled in the art know that when two rollers have the same angle, the shopping cart steers in straight line according to the angle of the two rollers. Thus, only when the two rollers have different angles, can the shopping cart go around the common center of a circle defined by rollers fixed by the two angles. So those skilled in the art can get the technical solution of Claim 2 just through logical reasoning on the basis of the prior art. Therefore, the claim does not have prominent substantive features. As Claim 1 does not involve inventive steps, Claim 2 does not involve inventive steps as required under Article 22, paragraph 3 of the Patent Law of China.

3. Claim 3 is a dependent claim. However, the shopping cart disclosed in reference D1 has two axes (equivalent to the transport car being provided with several axes in the application); and reference D2 (GB2327916A, refer to lines 29-30 on page 2; and Fig.4a) also discloses a shopping trolley which can fix the steering position of the wheels, locking the steering position of a pair of wheels at left side or right side (equivalent to the two or more rollers that can be fixed in the predetermined steering position are mounted at a front axle as well as a rear axle). Therefore, the additional technical feature of Claim 3 has been disclosed by reference D1 and reference D2, and has the same function with the references. Reference D2 gives a teaching to combine the technical solution of reference D2 with reference D1 so as to obtain the technical solution of Claim 3. Thus, combining reference D1 with reference D2 is obvious for those skilled in the art. As Claim 1 it refers to does not involve inventive steps, Claim 3 does not involve inventive steps as required under Article 22, paragraph 3 of the Patent Law of China.

4. Claim 4 mentions “at a straight steering angle in reference to the longitudinal axis of the transport car”, but this expression is not clear, because the underlined part may be understood as a right angle or an angle of zero with the longitudinal axis. Thus, Claim 4 is not in conformity with Rule 20, paragraph 1 of the Implementing Regulations of the Patent Law of China.

Finally, it shall be noted that even if the “straight steering angle” in Claim 4 is supposed to be an angle of zero with the longitudinal axis according to the detailed embodiment in the description so as to remove the defect mentioned in above item 4 of the office action, Claim 4 still does not involve inventive steps as required under Article 22, paragraph 3 of the Patent Law of China. Detailed comments are as follows:

Claim 4 is a dependent claim. However, in reference D1 the turn wheel mounted at the front axis is fixable in a predetermined steering direction in reference to the longitudinal axis of the shopping cart, and it is obvious for those skilled in the art that the steering direction forms a diagonal angle with the longitudinal axis of the cart; and, the rear wheels in reference D1 cannot be turned, i.e., the rollers mounted at the rear axis may be fixed in a position at an angle of zero in reference to the longitudinal axis

(equivalent to the roller mounted at the rear axle being fixable in a position at an angle of zero in reference to the longitudinal axis of the transport car). Thus, the additional technical feature of Claim 4 has been disclosed by reference D1. As the claim it refers to does not involve inventive steps, Claim 4 does not involve inventive steps as required under Article 22, paragraph 3 of the Patent Law of China.

5. Claim 4 is a multiple dependent claim but refers to the preceding multiple dependent Claim 3, so Claim 4 does not comply with Rule 23, paragraph 2 of the Implementing Regulations of the Patent Law of China.

6. In paragraph [0009] in the description text, it is recorded "... is attained in the characterizing features according to the claims", but this manner of expression does not comply with Rule 18, paragraph 3 of the Implementing Regulations of the Patent Law of China.

Based on the above reasons, the application can not be granted the right of patent under the present text. It might be granted if the applicant makes amendment to the application documents in accordance with the examination opinions to remove the defects. Any amendment to be made shall not go beyond the scope of the original description and claims so as to comply with the provision of Article 33 of the Patent Law of China.

Examiner